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ADMINISTRATIVE PROCEDURE IN THE FIELD OF PUBLIC PROCUREMENT

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Reforming such a process as public procurement during the economic crisis is extremely important, because through the public procurement procedure, a large number of budget funds pass through each year, many of which disappear in corruption schemes and through ineffective organization of the procedure. The reform of public procurement with the active participation of the public was intended to fundamentally change the existing system. The changes came with the passing of a new law regulating public procurement in Ukraine in 2015. The Law of Ukraine "On Public Procurement" (Law) has become a qualitatively new stage in this area, and therefore it is important to uncover a new procedure, now for "public procurements", which is the subject of this research.

To begin with, it is important to determine the essence and purpose of this institute. In Ukraine, there is a persistent view that the main objective of public procurement law is to fight corruption. In fact, such a goal should be the development of competition, which will ensure the acceptance of the most economically advantageous offers [4]. At the same time, government tenders around the world are one of the most important regulators of the economy.

Procurement is an important part of the activities of institutions, organizations and enterprises of a public sector in the sphere of creation of public goods. The process of public procurement includes the definition of needs,

planning, market analysis, tender documentation preparation, tender process, selection / qualification process for suppliers, negotiation of contracts, preparation and signing of contracts and control over their execution.

The Law of Ukraine "On Public Procurement"[1] defines public procurement as "the purchase by the customer of goods, works and services in accordance with the procedure established by the Law". In fact, this means that Law establishes the legislative framework for persons who, in order to meet their needs, make purchases of various things or services. The scope of the law in general is the purchase of goods (goods), services (services), the price of which equals or exceeds 200 thousand UAH, and works - 1.5 million UAH.

In the literature, there are three generalized stages of the public procurement process: [2]

1. Identification of needs, deciding what goods, work or services should be purchased and when (procurement planning);
2. the process of placing an advertisement on the purchase of the goods, works or services, the qualification requirements of the supplier and the signing of a contract;
3. the process of contract implementation.

The most interesting for us is the second stage as it is directly regulated by the law. First of all, it should be noted that the new Law initiated the existence of an electronic system of public procurement, the introduction of which has moved purchases to the Internet. Undoubtedly, this not only simplified the procedure, but also reduced the corruption level.

The second stage begins with the fact that the customer independently and free of charge through authorized electronic platforms publishes information about the purchase on the web-portal of the specialized body. For the organization and conduct of the procurement procedures, the customer establishes a tender committee or determines the authorized person. The committee must include not less than five people. The principles of its activities are determined by the customer.

Procurement itself can be done by one of 3 procedures: open bidding; competitive dialogue; negotiated procurement procedure. The selection of the procedure is carried out by the customer and its tender committee. The customer carries out procurement procedures using the electronic procurement system. It is also important that the customer defines the qualification requirements and documents to be submitted by the participants.

Let's turn to the procedures themselves. Open bidding is the main procurement procedure. Any interested person may submit a bid. It is submitted electronically through the electronic system. The evaluation of tender offers is carried out automatically by the electronic procurement system on the basis of the criteria and methodology of evaluation, specified by the customer in the tender documentation, and through the use of the electronic auction. The system provides the most advantageous offer on the economic side. If there are several profitable bidders there is an electronic auction that involves lowering prices by the

participants. As a result of these actions, the customer chooses the winner and concludes a contract with him.

Another procedure is a competitive dialogue, which is used by the customer when the customer can not determine the necessary technical, qualitative characteristics of works or to determine the type of services and it is necessary to negotiate with the participants or if the subject of procurement is a specific services, the content which should be discussed. This procedure consists of 2 stages. At the first stage, all participants are invited to submit documents. After disclosure of the tender offers, the customer reviews the proposals of the participants for compliance with the requirements set out in the tender documentation for the first stage. All participants whose offers have not been rejected are invited by the customer for negotiations, but not less than three participants. The customer conducts negotiations with each one separately and also joint meetings with all the participants, on the basis of which he formulates the final tender requirements. At the second stage, the participants must submit final bids with price indication. On their basis, the customer chooses the winner.

The third type is the negotiated procurement procedure. This is a procedure used by the customer as an exception and according to which the customer concludes a procurement contract with the participant after negotiating with one or more participants. This is an exceptional procedure that applies only under certain conditions, in particular: the purchase concerns works of art; there is an urgent need linked to economic indicators; there is no competition in the sphere of the purchase subject or there is a need for additional procurement from the previous winner etc. Based on the results of negotiations with the participant the customer decides on the intention to conclude an agreement. Notice of intention to conclude an agreement is obligatory for free-of-charge publication on the website of the Authorized Agency.

Independently of the chosen procedure, the result of the procurement is the conclusion of a contract that establishes the relationship between the winner and the customer. Its implementation is the final stage and depends solely on the integrity of the parties.

All in all, in this article there has been a try to uncover the procedure of public procurement. It is important because the establishment and legislative consolidation of its principles and order not only ensures legitimacy, but also in the right approach minimizes corruption. After the legislative changes in Ukraine, perhaps not perfect, but more transparent procedure of public procurement was made. Moreover, it became more accessible through its transfer to the Internet.

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CONTRACT FOR TRAVEL SERVICES

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The world's tourist industry has faced ever-increasing levels of competition in recent years both within and outside the region. Tourist demand and tourist offer depend on a number of changing factors such as economic and financial development, the impact of state policy on law, demographic and social changes, and the development of innovative technologies.

Organization of tourism activity, as well as management in all areas of entrepreneurship, is based on contractual relationships. This confirms that the treaty has determinative nature, it's the only legal form of partnership relations.

Therefore, the main purpose of this thesis is to highlight the essential terms of this type of contract, to determine the importance and the necessity of its signing.

Under Article 901 of The Civil Code of Ukraine according to service contract one party (a performer) under an agreement on the provision of services is obliged to provide a service that is consumed in the process of committing a certain action or activity, and the other party (a customer) undertakes to pay the specified service to the performer, unless otherwise specified by the agreement. So the contract for the provision of services is bilateral and is deemed to have been concluded since the agreement was reached on all essential terms. The main feature that distinguishes a contract for the provision of tourist services is the result of an activity carried out by the contractor. If in the obligations of the contract type the result of the performed work always has a material form, in this kind of obligation the service itself is consumed in the process of its provision.

An agreement for travel services shall be concluded in a written form with the indication of the essential terms of the agreement:

- 1) term of stay in the place of provision of tourist services with indication of the dates of beginning and end of tourist service;

- 2) the characteristics of the vehicles carrying out the carriage, in particular their type and category, as well as the date, time and place of departure and return (if the transportation is included in the tourist product);